



PATENT

Case Docket No. DYOU17.001CP1

Date: April 18, 2003

Page 1

In re application of : Hope, et al.
App. No. : 09/973,322
Filed : October 9, 2001
For : VIRAL THERAPEUTICS
Examiner : Zehman, R.
Art Unit : 1645

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

April 18, 2003

(Date)

Marina L. Gorday, Reg. No. 52,950

UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith in the above-identified application, in response to Notice to Comply dated March 18, 2003, please find enclosed:

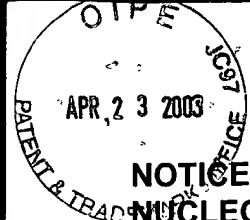
- (X) Copy of Notice to Comply.
- (X) Sequence Submission Statement.
- (X) Sequence Listing in computer readable format (diskette).
- (X) Paper copy of Sequence Listing in 9 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.
- (X) Please use Customer No. 20,995 for the correspondence address.

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Marina L. Gorday
Registration No. 52,950
Agent of Record
Customer No. 20,995
(805) 547-5586

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Figure 7 has sequences that lack the requisite identification by SEQ ID NO. All sequences must be identified by a SEQ ID NO. See 37 C.F.R. 1.821(d).

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

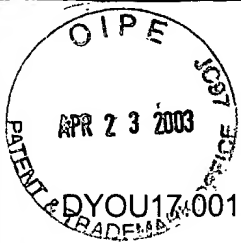
For CRF Submission Help, call (703) 308-4212

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hope et al.) Group Art Unit 1645
Appl. No. : 09/973,322)
Filed : October 9, 2001)
For : VIRAL THERAPEUTICS)
Examiner : Zeman, Robert A.)

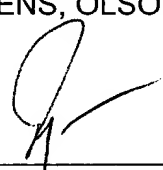
SEQUENCE SUBMISSION STATEMENT

United States Patent And Trademark Office
PO Box 2327
Arlington, VA 22202

Dear Sir:

This is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed March 18, 2003 (paper No. 9). I hereby state that the amendments, made in accordance with 37 C.F.R. § 1.825(a), included in the Substitute Sequence Listing submitted herewith are supported in the originally filed Specification (in figure 7). I hereby state that the Substitute Sequence Listing does not include new matter. I hereby state that the substitute copy of the computer readable form submitted in accordance with 37 C.F.R. §1.825(b), is the same as the Substitute Sequence Listing.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 18, 2003By: 

Marina L. Gordey
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